

BOARD OF LIQUOR LICENSE COMMISSIONERS

PROGRAM:

Alcoholic Beverage Enforcement

PROGRAM ELEMENT:

Sales to Minors

PROGRAM MISSION:

To reduce and ultimately eliminate alcohol sales to minors

COMMUNITY OUTCOMES SUPPORTED:

- Young people making smart choices
- Respect for the law
- Healthy children and adults

PROGRAM MEASURES

	FY02 ACTUAL	FY03 ACTUAL	FY04 ACTUAL	FY05 BUDGET	FY05 ACTUAL	FY06 APPROVED
Outcomes/Results:						
Percentage of alcoholic beverage-licensed facilities tested that sold to minors	7.3	6.3	5.2	4.3	4.9	4.5
Percentage of non-licensed beverage facilities (DLC dispensaries) tested that sold to minors ^a	2.0	6.5	0.0	3.3	0.0	0.0
Number of sales to minors violations in licensed facilities	22	20	16	15	15	14
Number of sales to minors violations in non-licensed (DLC) facilities	1	2	0	1	0	0
Service Quality:						
Percentage of licensed facilities tested at least once per year	36	37	35	35	33	36
Percentage of non-licensed facilities (DLC dispensaries) tested at least once per year	100	100	100	100	100	100
Efficiency:						
Average cost per inspection (\$)	90	95	119	115	123	128
Workload/Outputs:						
Number of licensed facilities tested	301	318	308	320	302	313
Number of tests of non-licensed facilities (DLC dispensaries)	50	31	30	30	32	30
Inputs:						
Expenditures (\$)	31,640	32,990	^c 40,310	40,420	41,255	^d 44,074
Workyears ^b	1.4	1.4	^c 1.5	1.5	1.5	1.5

Notes:

^aDLC dispensaries consist of the 25 retail liquor stores operated by the County's Department of Liquor Control.

^bSince FY01, full-time, under 21, minimum wage employees of the Board of Liquor License Commissioners (Government Aides) have been used for alcohol compliance checks (the availability of under 21 *volunteers* has been significantly reduced in recent years).

^cA part-time 0.4 workyear temporary Alcohol Enforcement Specialist position with the Board of Liquor License Commissioners was re-classified as a 0.5 workyear permanent position.

^dIn order to increase retention, the hourly rate for the Government Aides was increased from \$5.35 per hour (minimum wage) to \$7.57 per hour in FY06.

EXPLANATION:

The Board of Liquor License Commissioners has implemented an aggressive enforcement program to decrease violations related to the sale of alcoholic beverages to minors, using compliance checks by under-age testers. Facilities licensed for alcoholic beverages are tested by sending in under-age testers who attempt to purchase such beverages. The initial violation rate for the first year of these tests (FY92) was 36 percent. Compliance checks with under-age testers have continued on a weekly or monthly basis since that time. The FY05 violation rate was 4.9 percent, and it has been as low as 2 percent (in FY97).

Montgomery County's violation rate is currently one of the lowest in the country (any violation rate less than 10 percent is considered outstanding). The substantial decrease in licensed facilities selling alcoholic beverages to minors can be attributed to continuous monitoring of these facilities. Licensees are aware that compliance checks by under-age testers are conducted on a weekly and/or monthly basis. Equally important are the stiff penalties assessed to licensees. First-time violators are fined \$1,000. Repeat violators have been fined up to \$20,000, issued a six-month license suspension, or have had their alcoholic beverage license revoked. All fines, suspensions, and revocations are reported monthly in the *Washington Post* and in the Department of Liquor Control newsletter, which is issued to all alcoholic beverage licensed facilities. Licensees are also made aware of this enforcement effort through press reports, notification letters from the Board of Liquor License Commissioners, and word of mouth.

In FY93, the Board of Liquor License Commissioners began to regularly monitor Department of Liquor Control dispensary stores ("County liquor stores") for sales-to-minors violations. The FY05 sales-to-minors violation rate for the "County liquor stores" tested was a perfect 0 percent - no violations were found.

PROGRAM PARTNERS IN SUPPORT OF OUTCOMES: County Attorney's Office; under-21 employees.

MAJOR RELATED PLANS AND GUIDELINES: Article 2B of the Annotated Code of Maryland (Alcoholic Beverages and Tobacco Tax Laws); Montgomery County Code, Appendix D (Rules and Regulations of the Board of Liquor License Commissioners); Board of Liquor License Commissioners Policy and Procedure 1-4, "Use of Underage Volunteers;" DLC Policy and Procedure #4-22, "Sales to Minors and Intoxicated Patrons."

BOARD OF LIQUOR LICENSE COMMISSIONERS

PROGRAM:

Tobacco Enforcement

PROGRAM ELEMENT:
PROGRAM MISSION:

To inspect and investigate facilities licensed by the State to sell tobacco products in Montgomery County in order to ensure compliance with Montgomery County's Distribution of Tobacco Products to Minors law

COMMUNITY OUTCOMES SUPPORTED:

- Young people making smart choices
- Respect for the law
- Healthy children and adults

PROGRAM MEASURES

	FY02 ACTUAL	FY03 ACTUAL	FY04 ACTUAL	FY05 BUDGET	FY05 ACTUAL	FY06 APPROVED
Outcomes/Results:						
Percentage of compliance checks in which retail facilities licensed to sell cigarettes were found to be distributing tobacco products to minors	5.0	5.9	4.6	5	5.7	5
Number of compliance checks in which retail facilities were found to be distributing tobacco products to minors	97	^b 32	^d 24	25	61	100
Service Quality:						
Percentage of facilities that are inspected two times per year	100	^b 20	0	100	42	100
Efficiency:						
Cost per facility monitored (\$)	131	130	^d 79	149	155	166
Average cost per compliance check (\$)	52	^b 130	^d 79	58	109	66
Workload/Outputs:						
Number of licensed facilities	772	780	760	780	750	800
Number of compliance checks conducted	1,957	^b 538	^d 521	^d 500	^a 1,067	^f 2,000
Number of citations issued ^a	193	^b 57	^d 45	^d 35	119	^f 190
Inputs:						
Expenditures (\$)	101,360	^c 70,143	^d 41,000	119,470	121,675	^g 132,400
Workyears	2.5	^c 1.5	^d 1.5	2.5	2.5	2.5

Notes:

^aTwo citations are usually issued in connection with a tobacco violation: one to the clerk and one to the cigarette licensee.

^bThe Tobacco Enforcement Specialist was on sick leave for over five months in FY03, which adversely affected performance.

^cThe budgeted workyears were not fully utilized because the Tobacco Enforcement Specialist was out on sick leave.

^dThe Tobacco Enforcement Specialist assigned to this program did not return to work in FY04 and retired at the end of the fiscal year. Part-time enforcement specialists were assigned to this program beginning in January, 2004.

^eThe Tobacco Enforcement Specialist assigned to this program returned from active duty in Iraq in March, 2005.

^fFull staffing is anticipated for FY06.

^gThe Tobacco Enforcement Specialist assigned to this program will be promoted to a Specialist II in February, 2006. In order to increase retention, the hourly rate for the Government Aides was increased from \$5.35 per hour (minimum wage) to \$7.57 per hour in FY06.

EXPLANATION:

The Office of the Board of Liquor License Commissioners (BLC) has been charged by the County Executive with developing and implementing an enforcement methodology to identify and cite facilities that violate Montgomery County Code 24-9C (Distribution of Tobacco Products to Minors), which took effect at the beginning of FY99. "Compliance checks" are conducted to ensure that tobacco products are not distributed to minors. These checks entail having a Government Aide who is under 18 years old attempt to purchase a tobacco product from facilities licensed to sell them. The Government Aide goes into the facility, asks for the tobacco product, places the money on the counter, and then awaits the outcome. If the tobacco product is placed on the counter, the sale is rung up, and change is given, the Government Aide picks up the tobacco product and change from the counter and leaves the facility. Tobacco enforcement specialists from the Board of Liquor License Commissioners then enter the facility, identify their presence, and issue a \$500 civil citation to both the clerk and the retail cigarette license holder. For second and subsequent offenses, \$750 citations are issued. The tobacco products are marked as evidence and maintained by the BLC for District Court cases.

Of the 750 facilities licensed to sell tobacco products in Montgomery County, 317 were checked twice in FY05 (all facilities were checked at least once).. Since enforcement began in FY99, the number of retail cigarette licensed facilities operating in Montgomery County has decreased approximately ten percent (from 842 licensed facilities to 750 licensed facilities). The large fines issued for violations (\$500 - \$750) may be one reason that many retailers are choosing not to sell cigarettes.

Montgomery County is one of the only counties in the State of Maryland that operates a full-time, year-round tobacco enforcement program. With an FY05 compliance rate of 94 percent and similar or better compliance rates expected for FY06, Montgomery County continues to be a national leader in preventing the distribution of tobacco products to minors.

PROGRAM PARTNERS IN SUPPORT OF OUTCOMES: County Attorney's Office.

MAJOR RELATED PLANS AND GUIDELINES: Montgomery County Code 24-9C, Distribution of Tobacco Products to Minors; Board of Liquor License Commissioners Policy and Procedure #1-10, Use of Under 18 Tobacco Enforcement Employees.